

RESOLUTION NO. 6676

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA , ADOPTING A REVISED SCHEDULE OF THE REGIONAL "PASS-THROUGH" SEWERAGE TREATMENT RATE AND A REVISED SCHEDULE OF THE CITY SEWER MAINTENANCE CHARGE

**WHEREAS**, the City of Upland is a party to the Regional Sewerage Service Contract, whereby the Inland Empire Utilities Agency (IEUA) provides sewage treatment and disposal services for the City, as well as other contracting agencies; and

**WHEREAS**, the City provides sewage disposal services to its users by operating and maintaining the City's sanitary sewer system, which collects and conveys sewage to IEUA for sewage treatment and disposal; and

**WHEREAS**, on May 18, 2002, the IEUA Board of Directors adopted Resolution No. 2022-5-3, increasing its service rate for the operation and maintenance of the regional sewerage system and the treatment of sewerage, commonly known as the regional "pass-through" sewerage treatment rate, applicable to the contracting agencies, including the City; and

**WHEREAS**, the total monthly sewer service fee, as defined in Section 13.32.080 (B) of the Upland Municipal Code, is the sum of the IEUA treatment and disposal charge and the City sewer maintenance charge (collectively "Sewer Service Fee"); and

**WHEREAS**, Government Code Section 53756 provides automatic adjustments for pass-through increases; and

**WHEREAS**, to sustain the City's sewer maintenance service requirements, with adequate operating reserve and capital for system rehabilitation required to provide continued safe and reliable sewage disposal service, the City determined the current costs exceed the amount collected from consumers; and

**WHEREAS**, the City Council finds and determines that, in accordance with the determination, the schedule for rates on the City sewer maintenance service fee and the IEUA Pass-Through sewer fees should be revised to reflect the estimated reasonable cost; and

**WHEREAS**, pursuant to Section 13.32.060 of the Upland Municipal Code, the City Council, by a two thirds vote, has the power to revise and collect fees, tolls, rates, rental or other charges for services and facilities furnished by it, either within or without its territorial limits, in connection with the sanitary sewage system; and

**WHEREAS**, pursuant to Article XIIID Section 6 of the California Constitution, forty-five (45) days prior to the public hearing, on or about May 13, 2022, notices of the public hearing were mailed to property owners and tenants; and

**WHEREAS**, at the public hearing conducted on June 27, 2022, the City Council received written and oral testimony regarding the regional "pass-through" sewerage treatment rate; and

**WHEREAS**, on the basis of the evidence presented during the public hearing, the City Council has determined that the schedule for the IEUA regional "pass-through" sewerage treatment rate, and the City sewer maintenance service fee shall be adjusted as set forth below; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE**, the City Council of the City of Upland hereby finds, determines and resolves as follows:

**Section 1.** All of the facts set forth in the recitals part of the Resolution, are true and correct.

**Section 2.** Users of the City's sewer service are charged based on the number of Equivalent Dwelling Units (EDUs), as defined in Section 13.32.080 (A) of the Upland Municipal Code.

**Section 3.** The total monthly sewer service fee for use of the City's sewer service shall be the sum of the treatment and disposal charge, which is paid to IEUA as a pass-through charge, and the City sewer maintenance service fee or charge.

**Section 4.** Effective July 1, 2022, the IEUA regional "pass-through" sewerage treatment rate, per EDU per month, shall be set as follows:

Fiscal Year	Effective Date	Treatment Rate
FY 22-23	July 1, 2022	\$21.86
(*) Per month per Equivalent Dwelling Unit (EDU) or Single-Family Home		

**Section 5.** Future Pass Through IEUA Adjustments. Commencing July 1, 2023, and any time thereafter through and including June 30, 2026, the IEUA Pass-Through Charge in Section 4 may be adjusted in an amount equal to any increase in the sewage treatment and disposal rate imposed on the City by IEUA. Any single increase in the rate for the IEUA Pass-Through Charge cannot exceed seven percent (7%).

**Section 6.** Effective July 1, 2022, the City Sewer Maintenance Charge, as specified in Section 13.32.080 (B) of the Upland Municipal Code, as previously authorized by the City Council, shall be:

Fiscal Year	Effective Date	Charge/Fee, per EDU per month
FY 22-23	July 1, 2022	\$10.85

(\*) Per month per Equivalent Dwelling Unit (EDU) or Single-Family Home


**Section 7.** The City Council finds that the California Environmental Quality Act does not apply to the adoption of this Resolution, pursuant to Section 15273 of Article 18 of Chapter 3 of Title 14 of the California Code of Regulations. The City Council expressly finds based on the evidence before it that the increase is for the purposes of:

- a. Meeting the operating expenses, including employee wage rates;
- b. Purchasing supplies, equipment, and materials;
- c. Obtaining funds for capital projects necessary to maintain service; and
- d. Meeting the financial reserves.

**Section 8.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Resolution, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

**Section 9.** The City Clerk shall certify the adoption of this Resolution.

**PASSED, APPROVED and ADOPTED** this 27th day of June, 2022.

  
Bill Velto, Mayor

I, Alison Walker, Deputy City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 27th day of June, 2022, by the following vote:

AYES: Mayor Velto, Councilmembers Elliott, Garcia, Zuniga  
NOES: None  
ABSENT: Councilmember Maust  
ABSTAINED: None

ATTEST:   
Alison Walker, Deputy City Clerk